

DIVISION OF HUMAN RESOURCES

4.10 Hours of Work and Operations

The Virginia Department of Social Services (VDSS) uses the following policies from the Commonwealth's Department of Human Resource Management (DHRM) as foundation for this VDSS guidance:

[*DHRM Policy 1.25 Hours of Work*](#)
[*DHRM Policy 1.35 Emergency Closings*](#)
[*DHRM Policy 3.10 – Compensatory Leave*](#)
[*DHRM Policy 3.15 – Overtime Leave*](#), and
[*DHRM's Overtime Pay Guidance*](#).

The above Commonwealth policies are references for establishing VDSS guidance relative to:

- (1) establishment of agency operational hours,*
- (2) authorization of employee work hours,*
- (3) procedures for extra hours worked during disasters/emergency events.*

Employees should refer to DHRM's website and this VDSS guidance for information about the authorization of work hours.

VDSS Guidance

AUTHORITY, INTERPRETATION, AND REVISION:

This guidance is issued by the VDSS. The VDSS Director of Human Resources (HR) or designee is responsible for the interpretation of this guidance and for its revision or rescission.

I. PURPOSE

To communicate the agency's public service hours and to provide guidance regarding how the Department establishes work schedules and/or authorizes extra work hours.

II. APPLICATION

This guidance applies to employees in positions covered under the Virginia Personnel Act, including full-time, quasi-full-time, and part-time (classified and wage) positions.

III. DEFINITIONS

- A. Business Need - The work-related reason that extra work must be done.
- B. Extra Work Hours - Work hours beyond an employee's regular work schedule that are authorized in advance to be worked and compensated.
- C. Classified Employee - Employee assigned to a position covered by the Personnel Act and compensated on a salary basis.
- D. Exempt Employee - Employee in a position that has been designated as "exempt" from overtime provisions of the federal Fair Labor Standards Act (FLSA). As such, the employee is not required to receive compensation when more than 40 hours are worked in a work week.

- E. Non-exempt Employee - Employee in a position that has been designated as “non-exempt” and is subject to the overtime provisions of the federal Fair Labor Standards Act (FLSA). As such, the employee is required to receive overtime compensation when more than 40 hours are worked in a work week.
- F. Overtime Compensation - Pay or leave granted to a non-exempt employee for hours worked over 40 in a work week. The compensation is at a rate of one and a half times the employee’s regular hourly rate.
- G. Pay Period - VDSS follows a semi-monthly pay schedule. The pay periods are the 10th – 24th and the 25th - 9th of each month.
- H. Straight-time Compensation - Pay or leave that may be granted to an employee at a rate of one hour for each hour worked (hour-for-hour) in a work week.
- I. TAL - The Time, Attendance and Leave system used by VDSS to monitor and track employee attendance and leave. The system also provides for the reporting of employee hours worked.
- J. Wage Employee - Employee who receives pay for hours worked, rather than a fixed salary. Wage employees are also referred to as P-14 employees.
- K. Wage Pay Cycle - The wage pay cycles are the 1st – 15th and the 16th through the last day of the month.
- L. Weekly Time Report - Timesheet format used outside of TAL to document and capture extra hours worked for exempt employees.
- M. Work Week - The VDSS work week begins on Sunday at 12:01 AM and ends on Saturday at midnight.

IV. PUBLIC SERVICE HOURS

- A. Public service hours for the VDSS are 8:15 a.m. to 5:00 p.m., Monday through Friday. All divisions that serve the public should allow for service during this timeframe.

Partial and full closures will be based on public service hours. For example, if there is a two hour delay in opening due to inclement weather, public service hours would begin at 10:15 a.m. Employees, however, should arrive at work within two hours of their assigned work schedule. Refer to VDSS Guidance 4.16 ([Emergency Closings](#)).
- B. Employee work schedules should be set to ensure coverage as needed during the public service hours. Schedules may begin prior to 8:15 a.m. and may extend beyond 5:00 p.m. The schedule is limited by the type of position the employee occupies and employee statuses. Refer to Commonwealth DHRM policy 1.25.
- C. Supervisors should discuss work schedules with employees at hire to be sure there is shared agreement and understanding regarding expected attendance. The schedule must be documented on the [Work Schedule Agreement](#) form. The approved form must be forwarded to HR for filing in the employee’s personnel file. Supervisors are responsible for keeping employee schedules up to date.

V. REPORTING TIME WORKED

VDSS must keep an accurate record of time worked in order to calculate employee pay and benefits. This includes regular and extra hours worked.

A. Timesheets

Non-exempt employees (classified and wage) are required to accurately complete and submit timesheets for hours worked to their supervisors. Timesheets are submitted through the Time, Attendance and Leave system (TAL).

Classified non-exempt employees must complete and submit timesheets through TAL on a weekly basis to their supervisors for approval. Timesheets are due by 5:00 p.m. the Monday following the end of the workweek.

All wage employees (non-classified) must submit timesheets through TAL at the end of each wage pay cycle. Timesheets are due according to the [Wage Timesheet Schedule](#).

Exempt employees are usually not required to complete and submit timesheets. Some exempt employees may be required to submit timesheets using the [Weekly Time Report](#) form to account for work done on special projects or grants. In these cases, supervisors will make the exempt employee aware of this expectation. Timesheets are due by 5:00 p.m. the Monday following the end of the workweek.

When completing timesheets, employees must accurately record the number of hours worked. It is the employee's responsibility to submit their timesheet as an accurate account of all time recorded. Altering, falsifying, or tampering with time records or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

It is the supervisor's responsibility to confirm and approve the time worked by the employee.

B. Approval of Timesheets in TAL for Non-Exempt Employees

Supervisors should approve classified non-exempt timesheets by Wednesday of the week following the end of the prior work week.

Supervisors should approve wage timesheets within two days of the end of the wage pay cycle or as noted on the Wage Timesheet Schedule.

Supervisors should follow the steps below to review and approve employee leave and work hours.

1. Review the TAL timesheet for discrepancies.
2. If there are discrepancies in the number of hours worked as recorded by the employee, clarify concerns with the employee and send the time sheet back to the employee for revision and re-submission.
3. If assistance is needed, the supervisor should contact the assigned TAL administrator. If further assistance is needed or the assigned TAL administrator is unknown, the supervisor should contact HR's Benefits Manager.

4. Once finalized or if no discrepancy, approve the timesheet in TAL.

TAL will provide the necessary information to Payroll to compensate employees using straight-time or overtime rates, whichever applies.

C. Overtime Compensation

Time worked is used to determine overtime compensation required for non-exempt employees. A non-exempt employee shall not be permitted to perform work away from the premises, job site, or at home unless approved in advance and in writing by the division director or designee. If approved, work performed off the premises, job site, or at home by a non-exempt employee will be counted as time worked.

Non-exempt employees may not work in excess of forty hours in any workweek without prior authorization. Section VI provides guidance on authorizing extra work hours.

The following is not considered work time for the purposes of calculating overtime compensation:

1. Sick Leave (VSDP or Traditional)
2. Family Personal Leave
3. Annual Leave
4. Holidays
5. Family Medical Leave
6. Military Leave
7. Civil & Work Related Leave
8. Voting
9. Lunch Periods
10. Recognition Leave
11. Community Service Leave
12. Emergency closings
13. Other miscellaneous leave (i.e. educational, etc.)

Working extra hours without advance approval could be an offense subject to disciplinary action under the Commonwealth's Standards of Conduct.

VI. Guidelines for Determining the Need to Work Extra Hours - Non-Exempt Employees

A. The supervisor of a non-exempt employee:

1. Should attempt to avoid extra work hour situations by adjusting an employee's schedule within the remainder of the work week or reassigning the work within the unit.
 - a. Work Schedule Adjustments – Supervisors can adjust an employee's work schedule temporarily within a workweek to avoid liability or to meet operational needs. An employee's schedule can be adjusted to meet the employee's personal needs at supervisory discretion and with no disruption to public service.

- b. Substituting Work Hours for Leave - An employee taking approved leave during a given workweek also may be asked to work additional hours during that same workweek. With the approval of the employee, the agency may substitute the additional hours worked for the hours of leave taken in order to reduce or eliminate the use of previously approved leave.

- 2. Should review and approve an employee's timesheet in TAL.

B. Non-exempt employees:

- 1. Should work their scheduled full-time hours (40 hours per week) or part-time hours (average of less than 29 hours per week) on a schedule approved by their supervisor.
- 2. Must alert their supervisor should they anticipate the need to work extra hours.
- 3. Must record hours worked on a timesheet in TAL.
- 4. Must record any earned overtime leave or compensatory leave on the TAL timesheet.

C. The division director or designee:

- 1. May determine that, based on business necessity, there is a need for non-exempt employees to work extra hours. Management should recognize this need through pre-approved overtime pay, overtime leave, or a combination thereof.
- 2. Must approve or deny an Authorization to Work Extra Hours (AWEH) form in advance of any extra work hours being worked and paid. Section VIII provides authorization procedures.
- 3. Division directors must ensure that division budgets allow for payments resulting from authorization to work extra hours

D. Compensation Options

- 1. A non-exempt employee may receive compensation for extra hours worked in the form of overtime leave or overtime pay.
- 2. The non-exempt employee receives overtime compensation (pay or leave) at the rate of one and a half times the employee's regular hourly rate.
- 3. Supervisors should determine in advance if overtime leave will be awarded. This decision must be communicated in writing to the employees in advance of working the extra hours. Overtime leave does not expire. Employees working the extra hours should work with their supervisors to use the leave in a reasonable period.

VII. Guidelines for Determining the Need to Work Extra Hours - Exempt Employees

A. The supervisor of an exempt employee:

- 1. May grant straight time pay to FLSA exempt employees with approval from their Division Director or designee.
- 2. Should attempt to avoid a persistent pattern of extra work by adjusting an

employee's schedule or reassigning the work within the unit.

B. Exempt employees:

1. May determine the need to work extra hours on an occasional or sporadic basis to accomplish their assigned responsibilities. There is no legal obligation to compensate exempt employees for extra hours worked.
2. Should consult with their supervisor if there is a persistent need to work extra hours to accomplish their assigned responsibilities. Management has an obligation to assess the situation as appropriate.
3. Will not be compensated for extra hours worked without approval in advance.

C. The division director or designee:

1. May determine that, based on business necessity, there is a need for an exempt employee to work extra hours. Management should recognize this need through pre-approved straight time pay, compensatory leave or a combination thereof.
2. Must approve or deny an Authorization to Work Extra Hours (AWEH) form in advance of any extra work hours being worked and paid.

D. Compensation Options

1. An exempt employee may receive compensatory leave on an hour-for-hour basis. Compensatory leave expires one year from when it was earned.
2. An exempt employee may receive straight time pay on an hour-for hour basis.

VIII. Procedures for Managers to Authorize Extra Hours Worked by Non-Exempt and Exempt Employees

A. When Authorizing Extra Hours to be Worked – Non Exempt

1. Determine the number and frequency of extra hours to be worked by the employee.
2. Complete the [Authorization to Work Extra Hours](#) (AWEH) form.
3. Advise the employee to record the additional hours worked in TAL.
4. Review and approve the TAL timesheet.

B. When Authorizing Extra Hours to be Worked – Exempt

1. Determine the frequency of extra hours to be worked by the employee.
2. Complete the [Authorization to Work Extra Hours](#) (AWEH) form.
3. Advise the employee to complete the [Weekly Time Report](#).
4. Review and approve the Weekly Time Report, and e-mail the original as an attachment to Payroll by 5:00 p.m. the Monday following the end of the work week.

C. Authorization to Work Extra Hours (AWEH) – FORM

1. Extra hours worked must be approved in advance. The authorization is recorded on the AWEH form.
2. The form may be initiated by the employee or the supervisor and must be approved by the supervisor and the Division Director in advance and forwarded to HR.
3. The completed, signed and dated AWEH form must include:
 - a. The purpose and business necessity.
 - b. The employee's identifying information.
 - c. The time period and the maximum limit of extra hours to be worked.
4. The form must be revised in advance of any changes to the purpose, period, employees or extra hour limits. The approved AWEH form must be submitted to HR.
5. HR will maintain copies of all AWEH forms in the employees' official personnel files.
6. Supervisors must communicate verbal or written approval to an employee in advance of extra hours worked and the method of compensation.

IX. Recording Extra Hours Worked by Exempt Employees

Exempt employees cannot receive overtime compensation. In certain situations, exempt employees may receive straight-time compensation which requires prior authorization by the supervisor/manager.

A. When Requesting Straight-time Pay – Employee

- Secure a copy of the approved (AWEH) form.
- Complete the [Weekly Time Report](#) inserting the hours of straight-time pay only in those workweeks in which straight-time pay is authorized.
- Electronically sign the form, and send the form as an attachment to your supervisor/manager at the end of the workweek or by 5:00 p.m. the following Monday.

B. When Approving Straight-time Pay – Supervisor

- Review, approve and e-mail the original [Weekly Time Report](#) as an attachment to Payroll.

C. When Requesting Compensatory Leave – Employee

- Secure a copy of the approved (AWEH) form.
- Completion of the Weekly Time Report is not required.
- Submit compensatory leave request in TAL.

D. When Approving Compensatory Leave – Supervisor

- Review the TAL Leave Request for accuracy.
- Approve or deny the leave request as appropriate.

X. Recording Extra Hours Worked by Non-Exempt Employees

- A. Non-exempt employees may receive overtime compensation with required prior authorization by the supervisor/manager.
- B. Section V.B. provides TAL timesheet approval procedures.

XI. References

4.16 [Emergency Closings](#)

[Fair Labor Standards Act](#)